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Fifty-fifth session
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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Written statement submitted by the International Franciscan Family, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 February 1999]

GE.99-11434 (E)

IN THE FACE OF A SERIOUS HUMAN RIGHTS CRISIS, THE COLOMBIAN GOVERNMENT IS NOT COMPLYING WITH INTERNATIONAL RECOMMENDATIONS AND THE SITUATION CONTINUES TO DETERIORATE

1. The trade union, social and non-governmental human rights organizations affiliated to Colombia-Europe Coordination submit this statement for the consideration of the Commission on Human Rights (hereinafter referred to as the Commission), with a view to demonstrating that the Colombian Government has failed to implement most of the international recommendations made in the past by United Nations bodies. They therefore request that the Commission reiterate its concern at the persistence of the human rights crisis and urge the Colombian Government to implement the measures recommended by the international community.

2. The United Nations High Commissioner for Human Rights (hereinafter referred to as the High Commissioner) stated in her report submitted to the Commission in 1998 that human rights violations and breaches of international humanitarian law in Colombia were "serious, gross and systematic" (E/CN.4/1998/16, para. 172). The human rights situation in 1998 has not basically changed. The more notable features continue to be the activities of paramilitary groups, the worsening of forced displacements, attacks on human rights defenders and community leaders and the persistence of impunity, all of which point to an aggravation of the human rights crisis. In addition, armed confrontation has been worsening and seriously affecting the enjoyment and exercise of human rights and fundamental freedoms.

3. President Andrés Pastrana's Government has not come up with any appropriate policy in response to this serious crisis. One of the few measures taken has been the appointment of the Vice-President with special responsibility in this area, which may mean that an effort is being made to raise the profile of human rights within the Government. This senior official nas not yet, however, taken up his duties in practice.

4. During this Government's term of office, paramilitary activity against the civilian population has noticeably increased, without this leading to any determined or effective attempt to deal with these groups by the security forces (army and police), or to any decisive action to eliminate existing ties between State agents and paramilitary groups. Quite on the contrary, reports indicate that paramilitary groups have been supported by the security forces in clashes with guerrilla groups.

5. Furthermore, the Government's willingness to engage in dialogue with insurgent groups contrasts with its refusal to discuss the objections of social movements to economic adjustment measures.

6. In view of our commitment to the search for a negotiated political solution to the internal armed conflict affecting Colombia, we are calling for measures to be taken against impunity, for the dismantling of paramilitary groups and for ties between these groups and some State agents to be broken off, since we are convinced that such measures will help to usher in a solid and lasting peace and to generate favourable conditions for the development of dialogue leading to a political solution to the conflict. We are convinced that from the point of view of human rights the first point to be negotiated

should be the adoption of an agreement obliging the parties to respect the rights of non-combatants. It should also be stressed, however, that with regard to international human rights law no consideration should be given, at the outcome of any peace process, to clemency measures that might protect those guilty of crimes against humanity, including genocide, and war crimes.

7. As may be appreciated, the conditions that motivated the establishment of the Office of the High Commission in Colombia (hereinafter referred to as the Office) have not changed. For this reason, we reiterate our support for the Office's mandate, which consists of advising the Colombian authorities and community organizations on the development of policies and programmes for the promotion and protection of human rights, of monitoring human rights violations in the country and of reporting to the High Commissioner, so that the latter in turn may submit a detailed analytical report to the Commission.

8. We consider that the proper implementation of this mandate, added to the permanent presence of Office staff in our country, should enable the Office to play a significant role in overcoming the serious human rights crisis. Nevertheless, we disagree with the approach adopted so far, which has assumed that human rights violations are inevitable so long as the internal armed conflict persists. As a result, the Office has not fulfilled its mandate to its full potential, or with the necessary decisiveness and conviction, to ensure that the Colombian authorities respect and protect the human rights of the people, even in a situation of armed conflict.

9. The number of persons displaced from their communities has increased alarmingly, reaching levels that can be described as catastrophic. According to non-governmental sources, from 1985 to September 1998 nearly 1,400,000 persons were forcibly displaced, some 250,000 of whom between January and September of the past year. In the circumstances, the Government's policy has not been effective in tackling the causes of displacement, nor in attending to the basic needs of displaced persons, nor in providing compensation to victims of these multiple human rights violations.

10. In recent years, the purchasing power of Colombian workers' salaries has been falling. While a worker's household basket of goods costs the equivalent of 2.5 monthly minimum wages, more than a quarter of the workforce do not earn more than the minimum wage and the activities of more than 50 per cent of the workforce are related to the informal economy, where generally not even the minimum wage is guaranteed. The situation has been worsening with the increase in unemployment, which rose to 15.9 per cent in December 1998 for the seven largest towns, according to official figures. Prospects for 1999, moreover, are not encouraging. The adjustment policy initiated by the Government aims not only to restrict salary increases, but also to continue reducing the purchasing power of workers by increasing the taxable base of the Value Added Tax.

11. On the basis of the Office's activity, the High Commissioner submitted a report on the situation in Colombia (E/CN.4/1998/16) to the Commission at its fifty-fourth session. After the report had been debated, the Office's mandate was renewed and a statement proposed by the Chairman of the Commission was adopted, in which concern was expressed for the deterioration of the situation

and, amongst other things, the Colombian Government was urged to implement the recommendations of the High Commissioner and other supervisory mechanisms of the Commission.

12. It seems worth emphasizing that, in view of its international obligations, the Colombian Government has an obligation to support the activities of the human rights bodies and to heed their recommendations. If the High Commissioner's recommendations are compared with the degree of implementation of those recommendations by the Colombian Government, it may be concluded that the latter is not cooperating adequately with the United Nations bodies dealing with the defence and promotion of human rights and fundamental freedoms in all countries.

13. In fact, as indicated by the High Commissioner in her first report to the Commission (E/CN.4/1998/16, para. 207), the Colombian authorities have not taken account of the recommendations "of treaty bodies and special mechanisms of the United Nations Commission on Human Rights". Some of the more important recommendations reiterated by the High Commissioner have not received the attention of the Colombian Government, and even less been implemented. They concern respect for international humanitarian law, confrontation with and eradication of paramilitary groups, elimination of links between some State agents and these groups, and the adoption of measures to combat impunity and to guarantee the full operation of the justice system. In some cases, this disregard has amounted to open defiance, when military officials under investigation for human rights violations have actually been promoted.

What do we expect from the Commission on Human Rights?

14. For all the above reasons, we believe that the Office should concentrate its efforts on persuading the Colombian authorities to put the High Commissioner's recommendations into practice in 1999. To achieve this, the Office's activity should be firmly restricted to the mandate contained in the statements of the Commission Chairman and in the Agreement signed by the Government of Colombia and the High Commissioner. It would also be appropriate for the Commission, when it examines the High Commissioner's third report on the situation of human rights in Colombia in the year 2000 at its fifty-sixth session, to give special attention to the degree of compliance with the recommendations by the Colombian Government. Should the Government persist in its refusal to implement the measures suggested, the Commission should examine the need to establish other mechanisms, such as a special rapporteur, which together with existing mechanisms would help to ensure that the Colombian authorities fulfil their obligation to cooperate adequately with the United Nations with a view to overcoming the serious human rights crisis.

15. At the fifty-fifth session of the Commission, we submit the following requests:

(a) That on the basis of the detailed analytical report submitted by the High Commissioner, the Commission reiterate its deep concern for the persistent human rights crisis experienced by Colombia and for the continuing failure to comply with the recommendations made to the Colombian Government, and therefore urge the Government to implement the High Commissioner's recommendations in consultation with the Office;

(b) That the Office's mandate be renewed and that it be asked to concentrate its efforts to ensure that the Colombian authorities implement the recommendations made by the mechanisms of the Commission and the treaty bodies, in particular those contained in the High Commissioner's report to the fifty-fourth session;

(c) That as a means of increasing the commitment of the international community to the improvement of the human rights situation in Colombia, the High Commissioner be asked to submit her report on her Office's activities and concerning the human rights situation in Colombia to the General Assembly as well;

(d) That the High Commissioner be invited to monitor closely the activities of her Office and that her report should take into account the degree of implementation on the recommendations which she and other United Nations human rights bodies have made to the Colombian authorities;

(e) That with a view to ensuring the proper implementation of the Office's mandate, the High Commissioner be asked, when recruiting new staff, including the person in charge, to take account of their sensitivity, knowledge and experience in international human rights law and in Latin America, as well as of their training in the areas of forced displacement, the justice system, conditions of detention and different forms of discrimination;

(f) That the High Commissioner be urged, through whatever mechanism she considers best suited, to interpret her Office's mandate and, on the basis of that interpretation, to prepare a work plan for the Office in the light of priority action areas;

(g) That the High Commissioner be asked to coordinate with other thematic mechanisms of the Commission to ensure that they continue to cover the human rights crisis in Colombia in their annual reports and to carry out whatever visits they consider appropriate.

Centrales Obreras - Organizaciones Sindicales

1. Central Unitaria de Trabajadores - CUT
2. Confederación General de Trabajadores Democráticos - CGTD
3. Confederación de Trabajadores de Colombia - CTC
4. Comisión de Derechos Humanos - USO - Asamblea por la Paz

Santa Fe de Bogotá

5. Asociación Nacional de Ayuda Solidaria - ANDAS
6. Asociación de Familiares de Detenidos Desaparecidos - ASFADDES
7. Asociación Nacional de Usuarios Campesinos - Unidad y Reconstrucción - ANUC-UR
8. ASOCIACIÓN PARA LA LIBERTAD DE CREENCIA - CREER
9. AVRE - Corporación
10. Benposta Nacional de Muchachos
11. CASA DE LA MUJER
12. Centro de Investigación y Educación Popular - CINEP
13. CENTRO JUSTAPAZ
14. Corriente de Renovación Socialista
15. CEPECS - Fundación
16. CODHES
17. Comisión Colombiana de Juristas - CCJ
18. Comité de Solidaridad con los Presos Políticos - CSPP
19. Comité Permanente por la Defensa de los Derechos Humanos - CPDH
20. Corporación Colectivo de Abogados "José Alvear Restrepo"
21. Corporación de Apoyo a Comunidades Populares - CODACOP
22. Defensa de los Niños Internacional - DNI
23. Franciscans International
24. Fundación para la Educación y Desarrollo - FEDES
25. Fundación Manuel Cepeda
26. Fundación Dos Mundos
27. Fundación Para la Participation Comunitaria - PARCOMUN
28. Grupo de Derechos Humanos de Gays y Lesbianas
29. Humanidad Vigente - Corporación Jurídica
30. Instituto Latinoamericano de Servicios Legales Alternativo - ILSA
31. Instituto María Cano
32. MENCOLDES
33. MINGA - Asociación
34. Organización Nacional Indigena de Colombia - ONIC
35. PROMUJER
36. Programa por la Paz
37. REINICIAR - Corporación
38. SEMBRAR - Corporación
39. UTOPIAS - Corporación
40. VIVA LA CIUDADANIA - Corporación

Antioquia

41. Instituto Popular de Capacitación - IPC
42. Corporación REGION
43. Escuela Nacional Sindical - ENS
44. Comité de derechos Humanos "HECTOR ABAD GOMEZ"

Atlántico

45. Corporación CEAC
46. FUNPECIS
47. Presbiterio de la Costa

Bolívar

48. FUNSAREP
49. Corporación Centro CLEBER

Chocó

50. Comisión Vida, Justició y Paz - Diócesis de Quibdó

Caldas

51. Comité Permanente de Derechos Humanos de Caldas
52. ANUC - CALDAS
53. Asociación de Mujeres, Indígenas y Campesinos de Villamaría - AMUCIV
54. ANUC - VILLAMARIA
55. Comité Permanente de Derechos Humanos de Chinchiná
56. Asociación de Vivienda EL PORVENIR
57. Sindicato de Trabajadores de Chinchiná
58. Sindicato de Trabajadores de Palestina
59. Asociación Nacional de Estudiantes de La Universidad Del Cauca

Cauca

60. Fundación Estrella Orografica Del Macizo Colombiano - Fundecima
61. Grupo de Trabajo Universidad Del Cauca
62. Colectivo Vida y Esperanza
63. Colectivo Regional Indígena Del Cauca - CRIC

Cesar

64. Comité de Derechos Humanos de Pailitas

Norte de Santander

65. Comité de Solidaridad con los Presos Políticos
66. Corporación COMPROMISO HUMANITARIO
67. Asociación Nacional de Ayuda Solidaria ANDAS
68. CENTRAL COOPERATIVA

Santander

69. Coordinadora Popular
70. Organización Femenina Popular - OFP
71. CREDHOS
72. Comité de Derechos Humanos de Piedecuesta
73. REDES
74. Corporación Compromiso
75. Funprocep

Tolima

76. Comité de Solidaridad con los Presos Políticos CSPP - Secciónal

Valle del Cauca

77. Comité de Solidaridad con los Presos Políticos CSPP - Secciónal
78. Comisión Vida, Justicia y Paz de la Arquidiócesis de Cali
79. Procesos de Comunidades negras.